

### REMARKS

Claims 1-28 were examined in the outstanding final office action mailed on 003/06/2008 (hereafter "First Final Office Action"). All the claims were rejected.

5 By virtue of this paper, claims 1, 4, 14 and 15 are sought to be amended, claim 28 is sought to be canceled, and claim 29 is sought be added. The amendments and additions are believed not to introduce new matter and their entry is respectfully requested. Claims 1-29 are respectfully presented for reconsideration further in view of below remarks.

10 In the First Final Office Action, the Examiner maintains the rejection of independent claims 1, 16, and 23 under 35 U.S.C. 102(a) as being anticipated by USP Number 6549643 B1 issued to Toklu *et al* (hereafter "Toklu").

Without acquiescing to any of the Examiner's contentions, Applicants traverse with  
15 respect to independent claim 16 and assert that the remaining independent claims are allowable over Toklu at least for the reasons noted below.

For example, previously presented claim 16 recites that a current frame is selected as a key video frame if a rate of change exceeds a threshold. The rate of change is in turn recited as  
20 representing a **difference of a first value and a second value**, with the **first value representing a change** of visual content of the current frame compared to a first frame, and the second value representing a change of visual content of the first frame and a second frame.

In particular, the Examiner's attention is directed to the fact that there are three  
25 subtractions, one to determine the first value, second to determine a second value, and third to determine a difference of the first value and the second value.

In rejecting claim 16, it was stated that:

30 Re claim 1, Tolku discloses ..., wherein said second frame is a reference frame for said first frame and said first frame is a reference frame for said current frame (Toklu: column 8, line 15, through column 9, line 9, calculating an amount of motion between two frames; Toklu: column 9, lines 13-31 and Eqn. 7, motion activity found is then used to  
35 generate a motion activity (MA) curve; Toklu: Fig. 3, the potential key frames undergo an elimination process; Toklu: column 13, lines 14-29, the histograms for candidate frames are compared with the histogram for a reference frame, ***wherein the motion activity for the candidate frame represents a first value, and the reference frame represents a second value, which are compared for the purpose of determining key frames***);  
40 and selecting said current frame as a key video frame (Toklu: Fig. 2B,

step 218)if said rate exceeds a first threshold value (Toklu: Fig. 2B,  
step 214).  
(Page 2 lines 12-22 of the First Final Office Action, **Emphasis Added**)

5 From the above, it appears that the Examiner equates **the motion activity of the candidates to the claimed first value** and **comparison with reference frame in Toklu to the claimed difference** of the first value and the second value.

Applicants respectfully point out that such comparison is factually incorrect.

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In particular, it is pointed out that what is being compared in steps 302-306 of Toklu are simply the '**histograms**' of the reference frame and comparison key-frame. **The histograms are believed to represent the visual content**, and not any difference of visual content (as the claimed first value would represent).

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Furthermore, what is compared in steps 302-306 of Toklu is not the motion activity even assuming arguendo that the motion activity of Toklu, relied upon in the First Final Office Action, is akin to the claimed first value.

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Previously presented claim 16 is accordingly allowable over Toklu. Previously presented claim 23 is also allowable over Toklu at least for similar reasons. Claims 17-22 and 24-27 respectively depend from independent claims 16 and 23, and are also allowable at least for reasons noted above with respect to claim 16.

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Currently amended claim 1 also is allowable over Toklu for reasons in addition to some of those noted above with respect to previously presented claim 16. For example, currently amended independent claim 1 recites that a current frame is selected as a potential video frame if the rate of change exceeds a corresponding threshold. The rate of change is determined based on the visual content of a first frame and a second frame, and the actions are repeated for each of the  
30 sequence of video frames treated as a current frame. In such repetition, **different ones of a first frame and a second frame** are used for different ones of the current frames.

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In sharp contrast, the portion of Toklu relied upon by the Examiner teaches **the same reference frame** being used in the elimination process until the histograms of the comparison key-frame and the reference frame are not similar. See, for example, lines 17-22 on page 2 of the First Final Office Action and steps 302-306 of Figure 3 of Toklu.

5            Claims 2-15 depend from claim 1 and are allowable at least for the reasons noted  
above with respect to claim 1.

independent claim 29 recites, “...wherein each of the respective first frame and the respective second frame .. are respectively determined based on the same first relative position and said second relative position in reference to the corresponding current frame.”

15 when frame 1 is a reference frame, assume frame 2 (relative position of 1) is the first frame and frame 3 (relative position of 2) is the second frame. Then, when frame 5 is the current frame, frames 6 and 7 are the respective first and second frames (with the same relative positions corresponding to the current frame).

sequence of frames are of the same scene/area of interest. In sharp contrast, some of the portions of Toklu relied upon by the Examiner (e.g., Col. 8 line 15 through col. 9 line 9) relate to various camera motions, which may cause different areas to be captured as respective images.

25 *Conclusion*

Thus, all the objections and rejections are believed to be overcome and the application is believed to be in condition for allowance. The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

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Respectfully submitted,  
/Narendra Reddy Thappeta/  
Signature  
Printed Name: Narendra Reddy Thappeta  
Attorney for Applicant  
Registration Number: 41,416